

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JANE DOE,

Plaintiff,

v.

Case No.: 17-CV-1158

MARQUETTE UNIVERSITY,

Defendant.

MOTION FOR PROTECTIVE ORDER

K.W., by his undersigned counsel, hereby moves the Court pursuant to Rule 26(c), Federal Rules of Civil Procedure, and 34 C.F.R. §99.31(a)(9)(ii) for a protective order:

- (a) preventing Marquette University from releasing any of K.W.'s education records; or
- (b) if those records are released, then designating them as covered by the 12/04/2017 protective order (Docket #14), and specifically directing the parties to use K.W.'s initials and refrain from using his full name either orally in Court or in documents filed with the Court.

AS GROUNDS, the following is submitted:

1. K.W. was a student at Marquette University during 2013 and 2014. Any Marquette education records are covered by the Family Educational Rights and Privacy Act (FERPA).
2. Plaintiff Doe's claims regarding an alleged incident on 08/24 /2014 were the subject of a weeklong criminal jury trial after which K.W. was found not guilty. Cases resulting in acquittals are removed from the Wisconsin Circuit Court Access (CCAP) website data base after two years and so there is no public court record linking the alleged incident to K.W.

3. K.W. now attends a different university. The release of information from the Marquette University education records would stigmatize him and jeopardize him personally and professionally.

Dated: November 6, 2018.

McNALLY PETERSON, S.C.
Attorneys for K.W.

/s Robert Theine Pledl

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